

SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) FISCAL YEAR 1998

U.S. EPA REGION 5 - Office of Regional Counsel

INTRODUCTION

This is a comprehensive, descriptive report on all enforcement cases concluded in Fiscal Year 1998 in Region 5 in which Supplemental Environmental Projects (SEPs) were negotiated with Respondents and Defendants. SEPs are projects which a Respondent or Defendant agrees to undertake as a condition of settlement of an enforcement case that are above and beyond the requirements for mere compliance with federal environmental laws. SEPs represent a direct investment by a Respondent or Defendant to fund improvements to the environment, and can range from pollution prevention to environmental restoration to emergency planning and preparedness.

A few important notes concerning the content and format of this report must be made. First, in those cases involving both a SEP and a monetary penalty, it is not uncommon to find that the penalty has been reduced upon the successful negotiation of the SEP. For this reason, both the original and the final penalties are provided for those cases which included a penalty.

Second, this report does not identify those Respondents and Defendants which have not yet completed their SEPs, nor does it identify those who have. This report simply describes the SEP which the Respondent or Defendant agreed to undertake. The term "Respondent" refers to the party to whom an administrative order was issued or an administrative complaint was served. The term "Defendant" refers to the party in a civil judicial lawsuit against whom relief is sought.

Third, when the cost of the SEP is indicated, it is usually estimated (unless, of course, the Respondent or Defendant has already completed the SEP). In cases in which the cost is extremely rough, the word "estimated" follows the cost in parentheses. If the case also involved injunctive relief and/or a penalty, the costs of these, if available, are listed immediately following the cost of the SEP.

Fourth, the statute section listed in each case is the section of the statute whose requirements the SEP addresses, not the section which authorized Region 5 to issue a complaint.

Fifth, and finally, the following page contains keys to common acronyms used in this report. These acronyms include environmental statutes, by which the cases are divided, and geographic initiatives. They also include a set of miscellaneous acronyms which refer to various chemicals, reports, abbreviations, etc. For those acronyms used only once in this report, both the full name and the acronym are embedded within the report and are not included on the following page.

KEY TO ACRONYMS

Key to Environmental Statutes

| | | <u>Pages</u> |
|--------------------|---|----------------|
| CAA | Clean Air Act | 3-9 |
| CERCLA | Comprehensive Envmtl. Response, Compensation, and Liability Act | N/A |
| CWA | Clean Water Act | 10 - 12 |
| EPCRA | Emergency Planning and Community Right-to-Know Act | 13 - 17 |
| FIFRA | Federal Insecticide, Fungicide, and Rodenticide Act | N/A |
| RCRA | Resource Conservation and Recovery Act | 18 - 21 |
| SDWA | Safe Drinking Water Act | N/A |
| TSCA | Toxic Substances Control Act | 22 - 24 |
| 304/103 | EPCRA Section 304 and CERCLA Section 103 | 25 - 26 |
| Multi-Media | Cases involving more than one statute | 27 - 29 |

Key to Region 5 Geographic Initiatives

| | |
|---------------|--------------------------------|
| [CLE] | Cleveland Initiative |
| [GAT] | Mississippi Gateway Initiative |
| [GC] | Greater Chicago Initiative |
| [GLB]* | Great Lakes Basin |
| [NWI] | Northwest Indiana Initiative |
| [SEMI] | Southeast Michigan Initiative |
| [TRI] | Tristate Initiative |
| [UM] | Upper Mississippi Initiative |

* Note: Cases which are identified as GLB cases are not part of any official Region 5 geographic initiative. Rather, these cases are tracked in the same manner as official initiative cases because, similar to the official initiative cases, GLB cases represent Region 5's effort to secure environmental cleanup and protection within a specific geographic region.

Key to Common Acronyms and Abbreviations

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|-----------------------|---|-----------------------|---|
| CMI | Corrective Measures Implementation | RFI | RCRA Facility Investigation |
| CMS | Corrective Measures Study | SO₂ | Sulfur Dioxide |
| CO | Carbon Monoxide | STP | Sewage Treatment Plant |
| CO₂ | Carbon Dioxide | USDW | Underground Source of Drinking Water |
| MEK | Methyl Ethyl Ketone | UST | Underground Storage Tank |
| NPDES | Nat'l Pollution Discharge Elim. System | VOC | Volatile Organic Compound |
| NO_x | Nitrogen Oxides (NO and NO ₂) | WWTP | Wastewater Treatment Plant |
| PCB | Polychlorinated Biphenyl | dba | "doing business as" |
| PM | Particulate Matter | fka | "formerly known as" |
| RA | Release Assessment (RCRA) | | |

Clean Air Act

Statute Summary for Fiscal Year 1998

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| Number of cases with SEPs: | 11 |
| Number of SEPs: | 13 |
| Total cost value of SEPs: | \$5,689,198 |
| Average cost value of SEPs: | \$437,631 |
| Value of penalties in SEP cases: | \$1,349,610 |
| Number of SEP cases with injunctive relief: | 5 |
| Number of pollution prevention SEPs: | 8 |

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| Case Name: | U.S. v. ACME STEEL CO. |
| Attorney/Program Contacts: | Robert Thompson / Emmett Keegan |
| Location: | Riverdale, Illinois (Cook County) |
| Geographic Initiative(s): | UM, GLB, GC |
| Statute: | CAA, Section 113 |
| Type of Order: | Consent Decree |
| Date of Order: | May 5, 1998 |
| Type of SEP: | Pollution Reduction |
| Cost of SEP: | \$2,281,901 (combined cost) |
| Original/Final Penalty: | \$25,000 per day of violation / \$410,000 |
| Injunctive Relief: | None |
| SEP Description: | The Defendant has agreed to: (1) Install additional secondary hooding in its steelmaking shop, add on to its existing baghouse, and route all secondary emissions to the existing baghouse, thereby reducing the emission loading in the primary electrostatic precipitator (ESP). (2) Pave roads at the nearby coke plant that contribute to significant fugitive dust in the area. |
| Quantitative Reduction(s): | Particulate matter (PM), 162 tons/year. |
| Environmental Benefit(s): | Potential human health and worker protection. |

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| Case Name: | In re: AUSTEEL LEMONT CO., INC. |
| Attorney/Program Contacts: | Mary McAuliffe / Denny Dart |
| Location: | Lemont, Illinois (Cook County) |
| Geographic Initiative(s): | UM, GLB, GC |

Statute: CAA, Sections 111 and 112
Type of Order: Administrative Penalty Order
Administrative Compliance Order, jointly issued
Date of Order: September 28, 1998
Type of SEP: Pollution Reduction
Cost of SEP: \$50,000
Original/Final Penalty: \$275,000 / \$225,000
Injunctive Relief: \$4,659,500 (Testing, Monitoring/Sampling, Recordkeeping, Emissions/Discharge Change)
SEP Description: The Respondent agreed to operate its baghouse so that it overcomplies with applicable standards.
Quantitative Reduction(s): Particulate matter (PM), amount and % reduction unavailable.
Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Case Name: In re: CLEVELAND LAMINATING CORP.
Attorney/Program Contacts: Joseph Williams / Maragret Sieffert
Location: Cleveland, Ohio (Cuyahoga County)
Geographic Initiative(s): GLB, SEMI
Statute: CAA, Section 113(a)
Type of Order: Administrative Penalty Order
Date of Order: July 2, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$340,000
Original/Final Penalty: \$83,708 / \$11,708
Injunctive Relief: None
SEP Description: The Respondent has agreed to substitute adhesives which produce volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) with water-based adhesives.
Quantitative Reduction(s): HAPs (primarily methylene chloride), 75% reduction (by 12/99).
VOCs, 75% reduction (by 12/99).
Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Case Name: In re: DETROIT, CITY OF, DEPT. OF PUBLIC WORKS
(CITY OF DETROIT BRUSH BURNER FACILITY)
Attorney/Program Contacts: Bobb Beauchamp / Jeff Gahris
Location: Detroit, Michigan (Wayne County)
Geographic Initiative(s): GLB, SEMI
Statute: CAA, Section 110

Type of Order: Administrative Penalty Order
Date of Order: May 15, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$25,000
Original/Final Penalty: \$58,000 / \$5,000
Injunctive Relief: Other (no cost)
SEP Description: The Respondent has agreed to purchase five motor vehicles which are powered by natural gas.
Quantitative Reduction(s): Hydrocarbons, 80 lbs/year (85% reduction).
Carbon monoxide (CO), 606 lbs/year (85% reduction).
Environmental Benefit(s): Potential human health protection.
Increased public awareness.
Increased federal, state, and local government knowledge.

Case Name: In re: DIAMOND CHROME PLATING, INC.
Attorney/Program Contacts: Padmavati Klejwa / Newton Ellens
Location: Howell, Michigan (Livingston County)
Geographic Initiative(s): GLB, SEMI
Statute: CAA, Section 112
Type of Order: Administrative Penalty Order
Date of Order: September 30, 1998
Type of SEP: Pollution Reduction
Cost of SEP: \$366,268
Original/Final Penalty: \$105,769 / \$20,000
Injunctive Relief: None
SEP Description: The Respondent has agreed to replace ahead of schedule two air pollution control units. The units to be replaced are a packed-bed scrubber and a packed-bed scrubber in conjunction with a composite mesh pad.
Quantitative Reduction(s): Chromium, 0.002 mg/dscm (19% reduction).
Environmental Benefit(s): Potential human health and worker protection.

Case Name: In re: FOUNTAIN FOUNDRY, INC.
Attorney/Program Contacts: Robert Guenther / Bonnie Bush
Location: Veedersburg, Indiana (Fountain County)
Geographic Initiative(s): None
Statute: CAA, Section 110
Type of Order: Administrative Penalty Order
Date of Order: June 16, 1998
Type of SEP: Pollution Prevention, Pollution Reduction

Cost of SEP: \$118,598
Original/Final Penalty: \$87,408 / \$18,000
Injunctive Relief: \$76,000 (Monitoring/Sampling, Emissions/Discharge Change)
SEP Description: The Respondent has agreed to construct and install an electric melt furnace which reduces selected pollutants and prevents others from being emitted.
Quantitative Reduction(s): [Note: all units are in tons/1200 tons of metal processed.]
Particulate matter (PM), 6.92 (93% reduction).
Nitrous oxides (NO_x), 0.06 (86% reduction).
Sulfur dioxide (SO₂), 0.54 (100% reduction).
Carbon monoxide (CO), 87.00 (100% reduction).
Volatile organic compounds (VOCs), 0.11 (100% reduction).
Lead (Pb), 0.29 (61% reduction).
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Case Name: In re: GENERAL MOTORS CORP.
Attorney/Program Contacts: Peter Felitti / Farrio Assadi
Location: Saginaw, Michigan (Saginaw County)
Geographic Initiative(s): GLB
Statute: CAA, Section 113
Type of Order: Administrative Penalty Order
Date of Order: April 17, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$101,760
Original/Final Penalty: \$75,250 / \$44,722
Injunctive Relief: None
SEP Description: The Respondent has agreed to perform a pollution prevention assessment concerning the viability of switching from traditional binders (those based on volatile organic compounds (VOCs)) for cores and molds to a non-toxic binder.
Quantitative Reduction(s): VOCs, 65 tons/year (if switch is made).
Environmental Benefit(s): Potential human health protection.

Case Name: In re: LINCOLN ELECTRIC CO.
Attorney/Program Contacts: Jose de Leon / David Schultz
Location: Cleveland, Ohio
Geographic Initiative(s): GLB, CLE

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| Statute: | CAA, Section 113 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | September 30, 1998 |
| Type of SEP: | Pollution Prevention and Environmental Restoration and Protection |
| Cost of SEP: | \$406,400 |
| Original/Final Penalty: | \$177,000 / \$50,000 |
| Injunctive Relief: | \$1 million (Industrial Process Change) |
| SEP Description: | The Respondent agreed to conduct projects involving asbestos removal, dust control, spill prevention and air quality improvement. |
| Quantitative Reduction(s): | Not available. |
| Environmental Benefit(s): | Potential human health, worker, and ecosystem protection. |

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| Case Name: | U.S. v. NATIONAL STEEL CORP., GRANITE CITY DIVISION |
| Attorney/Program Contacts: | Tom Martin / Emmett Keegan |
| Location: | Granite City, Illinois (Madison County) |
| Geographic Initiative(s): | UM, GAT |
| Statute: | CAA, Section 113 |
| Type of Order: | Consent Decree |
| Date of Order: | August 26, 1998 |
| Type of SEP: | Pollution Reduction |
| Cost of SEP: | \$1,682,871 (combined cost) |
| Original/Final Penalty: | \$25,000 per day of violation / \$546,700 |
| Injunctive Relief: | \$1,722,000 (Emissions/Discharge Change) |
| SEP Description: | The Defendant has agreed to: (1) Pave the coil storage area which is a source of significant fugitive dust (from heavy-machinery traffic). The storage area is located near homes and a hospital. (2) Fund \$50,000 worth of household hazardous waste collections in and around the Granite City area. Illinois EPA will act as the contractor to the Defendant. These collections allow residents to dispose of hazardous chemicals such as paints, solvents, and pesticides in an environmentally sound manner. |
| Quantitative Reduction(s): | Fugitive dust, amount and % reduction unavailable. |
| Environmental Benefit(s): | Potential human health and worker protection. Increased public awareness. |

Case Name: In re: RED ARROW PRODUCTS CO., INC.
Attorney/Program Contacts: Andre Daugavietis / Jennifer Darrow
Location: Manitowoc, Wisconsin (Manitowoc County)
Geographic Initiative(s): GLB
Statute: CAA, Section 110
Type of Order: Administrative Penalty Order
Date of Order: November 14, 1997
Type of SEP: Pollution Reduction
Cost of SEP: \$225,000
Original/Final Penalty: \$80,700 / \$6,000
Injunctive Relief: None
SEP Description: The Respondent has agreed to purchase, install, and operate a wet venturi scrubber unit on its emissions stack, in addition to the associated housing, filter, pump, utilities and ductwork.
Quantitative Reduction(s): Particulate matter (PM), 14-31 tons/year.
Environmental Benefit(s): Potential human health and ecosystem protection.

Case Name: In re: RUHLIN CO. AND OHIO DEPARTMENT OF
TRANSPORTATION (3 SEPs)
Attorney/Program Contacts: Jerome Kujawa / John Shepler
Location: Akron, Ohio (Summit County)
Geographic Initiative(s): GLB
Statute: CAA, Sections 112 and 113
Type of Order: Administrative Penalty Order
Date of Order: November 25, 1997
Original/Final Penalty: \$81,980 / \$12,480
Injunctive Relief: None

SEP#1

Type of SEP: Pollution Prevention
Cost of SEP: \$41,400
SEP Description: The Respondents have agreed to install Green Lights in the Ohio Department of Transportation's (ODOT) Columbus, Ohio Central General Maintenance Garage.
Quantitative Reduction(s): Carbon monoxide (CO), 10 tons/year.
Sulfur dioxide (SO₂), 500 lbs/year.
Various heavy metals, amount and % reduction unavailable.
Environmental Benefit(s): Potential human health and ecosystem protection.

SEP#2

Type of SEP:

Public Health, Pollution Prevention, Pollution Reduction

Cost of SEP:

\$33,500

SEP Description:

The Respondent (ODOT) has agreed to purchase two cars which will operate for one year using ethanol-based alternative fuel. ODOT will study the results and examine the potential impact on emission reductions if alternate fuels were used by ODOT on a large scale.

Quantitative Reduction(s):

Potential air-based reductions in carbon monoxide (CO), carbon dioxide (CO₂), nitrous oxides (NO_x) and total hydrocarbons (amounts and % reductions unavailable).

Environmental Benefit(s):

Potential human health and ecosystem protection.

SEP#3

Type of SEP:

Public Health, Pollution Prevention, Pollution Reduction

Cost of SEP:

\$16,500

SEP Description:

The Respondents have agreed to conduct a two-year study on the feasibility of using soy-based biodiesel fuel in ODOT's diesel-fueled fleet of snow-plow equipment. The fuel will be an 80/20 blend of diesel and methyl soyate.

Quantitative Reduction(s):

Potential air-based reductions in particulate matter (PM), carbon monoxide (CO), carbon dioxide (CO₂), and nitrous oxides (NO_x) (amounts and % reductions unavailable).

Environmental Benefit(s):

Potential human health and ecosystem protection.

Clean Water Act

Statute Summary for Fiscal Year 1998

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| Number of cases with SEPs: | 3 |
| Number of SEPs: | 5 |
| Total cost value of SEPs: | \$515,265 |
| Average cost value of SEPs: | \$103,053 |
| Value of penalties in SEP cases: | \$288,000 |
| Number of SEP cases with injunctive relief: | 2 |
| Number of pollution prevention SEPs: | 3 |

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| Case Name: | In re: BONNER, FRANK, CARDINAL FENCING, AND KENMORE CONSTRUCTION CO. |
| Attorney/Program Contacts: | William Wagner / Greg Carlson |
| Location: | Akron, Ohio (Summit County) |
| Geographic Initiative(s): | GLB |
| Statute: | CWA, Sections 301 and 404 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | June 25, 1998 |
| Type of SEP: | Environmental Restoration and Protection |
| Cost of SEP: | \$32,000 |
| Original/Final Penalty: | \$125,000 / \$38,000 |
| Injunctive Relief: | None |
| SEP Description: | The Respondent has agreed to purchase and preserve a parcel of wetlands. |
| Quantitative Reduction(s): | None. |
| Environmental Benefit(s): | Actual ecosystem protection. Environmental restoration and improved land use. |

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| Case Name: | U.S. v. J & L SPECIALTY STEEL, INC. (3 SEPs) |
| Attorney/Program Contacts: | Joseph Williams / Murray Lantner |
| Location: | Louisville, Ohio (Stark County) |
| Geographic Initiative(s): | GLB |
| Statute: | CWA, Section 402 |
| Type of Order: | Consent Decree |
| Date of Order: | April 30, 1998 |
| Total Cost of SEPs: | \$373,265 |
| Original/Final Penalty: | \$365,000 / \$200,000 |

Injunctive Relief: \$425,000 (Monitoring/Sampling, Emissions/Discharge Change)

SEP#1

Type of SEP: Public Health, Pollution Prevention

Cost of SEP: \$197,265

SEP Description: The Defendant had agreed to construct a secondary containment system for bulk acid storage tanks containing nitric, sulfuric, and hydrochloric acids, as well as waste hydrochloric acid.

Quantitative Reduction(s): None.

Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

SEP#2

Type of SEP: Pollution Prevention, Other

Cost of SEP: \$83,000

SEP Description: The Defendant has agreed to construct a covered, centralized *non-hazardous* waste storage area to decrease the likelihood of spills/releases to the environment, improve the management of waste streams, decrease stormwater contact with waste containers, and prevent wind dispersion of waste materials.

Quantitative Reduction(s): None.

Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

SEP#3

Type of SEP: Pollution Prevention, Other

Cost of SEP: \$93,000

SEP Description: The Defendant has agreed to construct a covered, centralized *hazardous* waste storage area to decrease the likelihood of spills/releases to the environment, improve the management of waste streams, decrease stormwater contact with waste containers, and prevent wind dispersion of waste materials.

Quantitative Reduction(s): None.

Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Case Name: U.S. v. CITY OF NORTH VERNON SEWAGE TREATMENT PLANT

Attorney/Program Contacts: Timothy Chapman / James Novak

Location: North Vernon, Indiana (Jennings County)

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| Geographic Initiative(s): | None |
| Statute: | CWA, Sections 301 and 309 |
| Type of Order: | Consent Decree |
| Date of Order: | April 7, 1998 |
| Type of SEP: | Environmental Restoration and Protection |
| Cost of SEP: | \$110,000 |
| Original/Final Penalty: | \$25,000 per day of violation / \$50,000 |
| Injunctive Relief: | \$5.45 million (Emissions/Discharge Change, Testing, Monitoring/Sampling) |
| SEP Description: | The Defendant has agreed to repair, rehabilitate, and/or replace lift stations in the sewer system of the neighboring municipality of Vernon, Indiana. |
| Quantitative Reduction(s): | None. |
| Environmental Benefit(s): | Potential human health and ecosystem protection (improve collection and treatment of wastewater). |

Emergency Planning and Community Right-to-Know Act

Statute Summary for Fiscal Year 1998

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| Number of cases with SEPs: | 8 |
| Number of SEPs: | 9 |
| Total cost value of SEPs: | \$1,400,254 |
| Average cost value of SEPs: | \$155,584 |
| Value of penalties in SEP cases: | \$133,187 |
| Number of SEP cases with injunctive relief: | 0 |
| Number of pollution prevention SEPs: | 5 |

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| Case Name: | In re: EXCEL CIRCUITS CO., INC. |
| Attorney/Program Contacts: | David Mucha / James Entzminger |
| Location: | Lake Orion, Michigan (Oakland County) |
| Geographic Initiative(s): | GLB, SEMI |
| Statute: | EPCRA, Section 312 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | March 16, 1998 |
| Type of SEP: | Pollution Prevention |
| Cost of SEP: | \$104,178 |
| Original/Final Penalty: | \$60,000 / \$9,750 |
| Injunctive Relief: | None |
| SEP Description: | The Respondent has agreed to replace ten rectifiers with digital ones that do not require non-contact cooling water. |
| Quantitative Reduction(s): | Wastewater, 4.5 million gallons/year. Thermal discharge into Detroit publicly-owned treatment works (POTW), 95 million BTUs/year. |
| Environmental Benefit(s): | Potential human health and worker protection. |

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| Case Name: | In re: HYDROSOL, INC. |
| Attorney/Program Contacts: | Barbara Wester / Maynard Shaw |
| Location: | Bridgeview, Illinois (Cook County) |
| Geographic Initiative(s): | UM, GLB, GC |
| Statute: | EPCRA, Section 313 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | December 31, 1997 |
| Type of SEP: | Pollution Reduction, Emergency Planning and Preparedness |
| Cost of SEP: | \$524,000 |
| Original/Final Penalty: | \$428,000 / \$42,800 |

Injunctive Relief: None
SEP Description: The Respondent has agreed to replace above ground dichloromethane and perchloroethylene storage tanks, to replace propellant charge pumps in their can-filling lines, to construct a new drum storage area including an enclosed structure to prevent contact between the drums and storm water, and to upgrade the facility's fire suppression system.

Quantitative Reduction(s): None.
Environmental Benefit(s): Potential human health and ecosystem protection.
Actual worker protection.

Case Name: In re: MAGIC FINISHING CO.
Attorney/Program Contacts: Peter Felitti / Robert Allen
Location: Grand Rapids, Michigan (Kent County)
Geographic Initiative(s): GLB
Statute: EPCRA, Section 313
Type of Order: Administrative Penalty Order
Date of Order: October 23, 1997
Type of SEP: Pollution Prevention
Cost of SEP: \$43,395
Original/Final Penalty: \$15,000 / \$2,690
Injunctive Relief: None
SEP Description: The Respondent agreed to replace solvent-based paint products with water-based ones, and install the necessary equipment for this purpose (essentially, the Respondent will switch from 70% solvent-30% water products to 30% solvent-70% water products).

Quantitative Reduction(s): Xylene, 7400 lbs/year.
Toluene, 5400 lbs/year.
N-Butyl alcohol, 4000 lbs/year.
Methyl ethyl ketone (MEK), 5300 lbs/year.
Methyl isobutyl ketone, 2800 lbs/year.
Methanol, 1600 lbs/year.

Environmental Benefit(s): Potential worker protection.
Actual human health and ecosystem protection.

Case Name: In re: RHÔNE-POULENC BASIC CHEMICALS (2 SEPs)
Attorney/Program Contacts: Roger Grimes / Maynard Shaw
Location: Hammond, Indiana (Lake County)
Geographic Initiative(s): UM, GLB, NWI

Statute: EPCRA, Section 313
Type of Order: Administrative Penalty Order
Date of Order: July 9, 1998
Original/Final Penalty: \$230,000 / \$12,613
Injunctive Relief: None

SEP#1

Type of SEP: Pollution Reduction
Cost of SEP: \$159,900
SEP Description: The Respondent agreed to remove asbestos contained in transite panels in the contact building at the Respondent's Hammond facility.
Quantitative Reduction(s): Asbestos, amount and % reduction unavailable.
Environmental Benefit(s): Potential human health and worker protection.

SEP#2

Type of SEP: Environmental Restoration and Protection
Cost of SEP: \$20,000
SEP Description: The Respondent agreed to contribute \$20,000 to the City of Hammond, Indiana for conducting site assessments of Brownfields.
Quantitative Reduction(s): None.
Environmental Benefit(s): Potential ecosystem protection.

Case Name: In re: ROYSTER-CLARK, INC.
Attorney/Program Contacts: Brian Barwick / Robert Allen
Location: Madison, Wisconsin (Dane County)
Geographic Initiative(s): UM
Statute: EPCRA, Section 313
Type of Order: Administrative Penalty Order
Date of Order: February 23, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$219,777
Original/Final Penalty: \$165,758 / \$12,000
Injunctive Relief: None
SEP Description: The Respondent agreed to install a clay granulation system for fertilizer manufacturing.
Quantitative Reduction(s): Ammonia, 750,000 lbs/year.
Sulfuric acid (H₂SO₄), 1,480,000 lbs/year.
Phosphoric acid (H₃PO₄), 3,466,000 lbs/year.
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Case Name: In re: SCOTT BRASS CO.
Attorney/Program Contacts: Brad Beeson / Terry Bonace
Location: Mishawaka, Indiana (St. Joseph County)
Geographic Initiative(s): UM, GLB
Statute Violated: EPCRA, Section 313
Type of Order: Administrative Penalty Order
Date of Order: January 19, 1998
Type of SEP: Pollution Prevention and Pollution Reduction
Cost of SEP: \$167,000
Original/Final Penalty: \$75,000 / \$25,000
Injunctive Relief: None
SEP Description: The Respondent has agreed to increase its facility's baghouse capacity to reduce zinc particulate emissions, to install oxygen analysis equipment to the annealing bases to reduce copper oxide production, and to upgrade the exhaust system in the rolling mill to reduce water soluble oil emissions.
Quantitative Reduction(s): Zinc dust, 0.01 gram/cubic foot.
Copper compounds, 25 lbs/year.
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Case Name: In re: TRITON MANUFACTURING CO.
Attorney/Program Contacts: Leslie Kirby / Robert Allen
Location: Alsip, Illinois (Cook County)
Geographic Initiative(s): UM, GLB, GC
Statute Violated: EPCRA, Sections 313 and 325
Type of Order: Administrative Penalty Order
Date of Order: May 22, 1998
Type of SEP: Pollution Reduction
Cost of SEP: \$10,976
Original/Final Penalty: \$16,334 / \$7,334
Injunctive Relief: None
SEP Description: The Respondent agreed to: (1) install and commence the routine operation of two settling tanks to separate copper from various oils used in the Respondent's tumble deburring operations. The copper will be sent off-site for recycling; and (2) purchase and install an Ultrafiltration System, enabling the Respondent to filter and reuse cooling and quenching bath solutions. The copper which will be collected from this system will be sent off-site for recycling.

Quantitative Reduction(s): Copper, 87 lbs/year.
Various baths and solutions, 4,995 gallons/year (recycled).
Environmental Benefit(s): Potential human health protection.

Case Name: In re: WORDEN CO.
Attorney/Program Contacts: Alan Walts / Maynard Shaw
Location: Holland, Michigan (Ottawa County)
Geographic Initiative(s): GLB
Statute Violated: EPCRA, Section 313
Type of Order: Administrative Penalty Order
Date of Order: January 14, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$151,028
Original/Final Penalty: \$136,000 / \$21,000
Injunctive Relief: None
SEP Description: The Respondent agreed to replace lacquers and sealers which emit high concentrations of hazardous air pollutants (HAPs) with ones which emit lower concentrations of HAPs.
Quantitative Reduction(s): Toluene, 36,577 pounds/year (100% reduction).
Methyl isobutyl ketone, 13,197 pounds/year (100% reduction).
Methyl ethyl ketone (MEK), 10,221 pounds/year (100% reduction).
Xylene, 14,316 pounds/year (100% reduction).
Environmental Benefit(s): Potential human health and worker protection.
Actual ecosystem protection.

Resource Conservation and Recovery Act

Statute Summary for Fiscal Year 1998

| | |
|---|-------------|
| Number of cases with SEPs: | 5 |
| Number of SEPs: | 8 |
| Total cost value of SEPs: | \$2,238,531 |
| Average cost value of SEPs: | \$279,816 |
| Value of penalties in SEP cases: | \$302,407 |
| Number of SEP cases with injunctive relief: | 3 |
| Number of pollution prevention SEPs: | 4 |

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| Case Name: | In re: DETROIT, CITY OF (47 facilities) |
| Attorney/Program Contacts: | Mary McAuliffe / Ann Wentz |
| Location: | Detroit, Michigan (Wayne County) |
| Geographic Initiative(s): | GLB, SEMI |
| Statute Violated: | RCRA, Section 9006 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | December 12, 1997 |
| Type of SEP: | Emergency Planning and Preparedness, Pollution Prevention |
| Cost of SEP: | \$940,000 |
| Original/Final Penalty: | \$829,673 / \$100,000 |
| Injunctive Relief: | Unknown cost (Remediation, Monitoring/Sampling, Recordkeeping) |
| SEP Description: | The Respondent has agreed to replace its current gluing operation with new equipment and a new glue which will eliminate entirely the Respondent's use of methylene chloride. The Respondent will also develop and implement an exemplary Local Emergency Planning Committee. |
| Quantitative Reduction(s): | Methylene chloride, 100% reduction. |
| Environmental Benefit(s): | Potential human health, worker, and ecosystem protection. Increased public awareness. Increased federal, state, and local government knowledge. |

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| Case Name: | In re: ELECTRONIC SUPPORT SYSTEMS |
| Attorney/Program Contacts: | Thomas Krueger / Denise Reape |
| Location: | West Chicago, Illinois (Du Page County) |
| Geographic Initiative(s): | UM |
| Statute Violated: | RCRA, Section 3010 |

Type of Order: Administrative Penalty Order
Date of Order: January 21, 1998
Type of SEP: Pollution Prevention, Pollution Reduction
Cost of SEP: \$226,890
Original/Final Penalty: \$649,111 / \$15,000
Injunctive Relief: No cost (Monitoring/Sampling, Recordkeeping)
SEP Description: The Respondent agreed to: (1) Implement segregation, reuse and recovery systems for process-specific waste streams. This will also involve ion exchange treatment and metal recovery; (2) Provide for lower lead concentration levels by replacing the current tin/lead bath with one which is stannous tin only; (3) Adopt rinse efficiency practices at the facility.
Quantitative Reduction(s): Volume of spent solutions disposed as waste, 65% reduction.
Volume of water consumed, 20% reduction.
Concentration of lead in bulk sludge, 50% reduction.
[All percentages based on 1993 baseline.]
Environmental Benefit(s): Potential human health protection.

Case Name: In re: FINDLAY, CITY OF STREET DEPARTMENT
Attorney/Program Contacts: Thomas Nash / Matthew Ohl
Location: Findlay, Ohio (Hancock County)
Geographic Initiative(s): GLB
Statute Violated: RCRA, Section 3005
Type of Order: Administrative Penalty Order
Date of Order: September 26, 1998
Type of SEP: Pollution Prevention, Assessments and Audits, and Accelerated Compliance
Cost of SEP: \$339,641
Original/Final Penalty: \$606,773 / \$150,000
Injunctive Relief: None
SEP Description: The Respondent agreed to: (1) commit \$15,000 in funds to pay for an audit of the City's environmental compliance, including design, development and implementation; (2) undertake the investigation and removal of city-owned underground storage tanks (USTs), as well as the upgrading of other city-owned USTs used by the Respondent's fleet of motor vehicles in advance of legal requirements to meet 1998 standards (and commit \$301,641 to these projects);

and (3) commit \$23,000 to the design, development, and implementation of a project to retrofit paint stripping equipment used in the maintenance of the City of Findlay's streets.

Quantitative Reduction(s): None.

Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Case Name: In re: HERITAGE ENVIRONMENTAL SERVICES

Attorney/Program Contacts: Ed Messina / Michael Cunningham

Location: Indianapolis, Indiana (Marion County)

Geographic Initiative(s): None

Statute Violated: RCRA, Section 3014

Type of Order: Administrative Penalty Order

Date of Order: February 27, 1998

Type of SEP: Pollution Reduction

Cost of SEP: \$590,000

Original/Final Penalty: \$150,274 / \$8,407

Injunctive Relief: \$10,000 (Recordkeeping)

SEP Description: The Respondent agreed to install and operate an additional treatment system to further segregate waste streams. This will minimize the quantity of hazardous waste treatment residue which is sent to the landfill.

Quantitative Reduction(s): Hazardous waste residue, amount and % reduction unavailable.

Environmental Benefit(s): Conservation of hazardous waste landfill space.

Case Name: In re: R.R. DONNELLEY & SONS (4 SEPs)

Attorney/Program Contacts: Larry Johnson / Duncan Campbell

Location: Warsaw, Indiana (Kosciusko County)

Geographic Initiative(s): UM, GLB

Statute Violated: RCRA, Section 3017

Type of Order: Administrative Penalty Order

Date of Order: February 6, 1998

Original/Final Penalty: \$209,950 / \$29,000

Injunctive Relief: None

Total Cost of SEPs: \$142,000

SEP#1

Type of SEP:

Pollution Prevention

SEP Description:

The Respondent agreed to replace a solvent transfer pipe to reduce the potential for the release of hazardous substances.

Quantitative Reduction(s):

Water-based chromium and copper discharges, amounts and % reductions unavailable.

Environmental Benefit(s):

Potential human health, worker, and ecosystem protection.

SEP#2

Type of SEP:

Pollution Reduction

SEP Description:

The Respondent agreed to reduce chromium and copper concentrations in its NPDES discharge.

Quantitative Reduction(s):

Water-based chromium and copper discharges, amounts and % reductions unavailable.

Environmental Benefit(s):

Potential human health, worker, and ecosystem protection.

SEP#3

Type of SEP:

Pollution Reduction

SEP Description:

The Respondent agreed to conduct lead abatement projects for three of its water tanks.

Quantitative Reduction(s):

Water-based lead concentrations, amounts and % reductions unavailable.

Environmental Benefit(s):

Potential human health, worker, and ecosystem protection.

SEP#4

Type of SEP:

Pollution Reduction

SEP Description:

The Respondent agreed to recycle paper which would have otherwise been discarded to make booklets for local schoolchildren.

Quantitative Reduction(s):

Paper waste, amount and % reduction unavailable.

Environmental Benefit(s):

Potential ecosystem protection.

Toxic Substances Control Act

Statute Summary for Fiscal Year 1998

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| Number of cases with SEPs: | 6 |
| Number of SEPs: | 6 |
| Total cost value of SEPs: | \$1,463,075 |
| Average cost value of SEPs: | \$243,846 |
| Value of penalties in SEP cases: | \$183,526 |
| Number of SEP cases with injunctive relief: | 2 |
| Number of pollution prevention SEPs: | 6 |

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| Case Name: | In re: ANTIOCH UNIVERSITY |
| Attorney/Program Contacts: | Terry Branigan / Terry Bonace |
| Location: | Yellow Springs, Ohio (Greene County) |
| Geographic Initiative(s): | None |
| Statute: | TSCA, Section 15 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | September 29, 1998 |
| Type of SEP: | Pollution Prevention |
| Cost of SEP: | \$49,700 |
| Original/Final Penalty: | \$37,000 / \$7,863 |
| Injunctive Relief: | Unknown cost (Recordkeeping) |
| SEP Description: | The Respondent has agreed to remove three transformers containing polychlorinated biphenyls (PCBs) and replace them with transformers which do not contain PCBs. |
| Quantitative Reduction(s): | PCBs, 7425 lbs. |
| Environmental Benefit(s): | Potential human health and worker protection. |

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| Case Name: | In re: DEERE & CO., INC. |
| Attorney/Program Contacts: | Jeffery Trevino / Anthony Silvasi |
| Location: | Moline, Illinois (Rock Island County) |
| Geographic Initiative(s): | UM |
| Statute Violated: | TSCA, Section 15 |
| Type of Order: | Consent Decree |
| Date of Order: | Administrative Penalty Order |
| Type of SEP: | Pollution Prevention |
| Cost of SEP: | \$135,700 |
| Original/Final Penalty: | \$115,000 / \$10,000 |
| Injunctive Relief: | None |

SEP Description: The Defendant agreed to remove and dispose of twelve transformers containing polychlorinated biphenyls (PCBs).
Quantitative Reduction(s): PCB-containing oil, 2391 gallons.
Environmental Benefit(s): Actual human health, worker, and ecosystem protection.

Case Name: In re: LTV STEEL CO.
Attorney/Program Contacts: John Tielsch / Kendall Moore
Location: Cleveland, Ohio (Cuyahoga County)
Geographic Initiative(s): GLB, CLE
Statute Violated: TSCA, Section 15
Type of Order: Administrative Penalty Order
Date of Order: April 20, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$430,000
Original/Final Penalty: \$74,000 / \$15,725
Injunctive Relief: None
SEP Description: The Respondent agreed to construct an improved spill

containment system for twelve polychlorinated biphenyl (PCB) transformers at the facility's 84-inch hot strip mill motor room.
Quantitative Reduction(s): None.
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

Case Name: In re: MARION STEEL CO.
Attorney/Program Contacts: Jeffery Trevino / John Love
Location: Marion, Ohio (Marion County)
Geographic Initiative(s): GLB
Statute Violated: TSCA, Section 15
Type of Order: Administrative Penalty Order
Date of Order: February 26, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$154,500
Original/Final Penalty: \$62,500 / \$1,000
Injunctive Relief: Unknown cost (Recordkeeping)
SEP Description: The Defendant agreed to eliminate and dispose of the five

polychlorinated biphenyl (PCB)-based transformers remaining at the facility.
Quantitative Reduction(s): PCBs, amount and % reduction unavailable.
Environmental Benefit(s): Actual human health and worker protection.

Case Name: In re: S.K. HAND TOOL CORP.
Attorney/Program Contacts: Christine Liszewski / Kendall Moore
Location: Defiance, Ohio (Defiance County)
Geographic Initiative(s): GLB
Statute Violated: TSCA, Section 15
Type of Order: Administrative Penalty Order
Date of Order: January 14, 1998
Type of SEP: Pollution Prevention
Cost of SEP: \$26,175
Original/Final Penalty: \$95,000 / \$7,438
Injunctive Relief: None
SEP Description: The Respondent agreed to remove from service three transformers and 44 capacitors containing polychlorinated biphenyls (PCBs).
Quantitative Reduction(s): PCBs, amount and % reduction unavailable.
Environmental Benefit(s): Potential ecosystem protection.

Case Name: In re: SAFETY-KLEEN CORP.
Attorney/Program Contacts: Richard Nagle / Richard Sokol
Location: East Chicago, Indiana (Lake County)
Geographic Initiative(s): UM, GLB, NWI
Statute Violated: TSCA, Sections 5 and 13
Type of Order: Administrative Penalty Order
Date of Order: July 31, 1998
Type of SEP: Pollution Prevention, Environmental Compliance Promotion
Cost of SEP: \$667,000
Original/Final Penalty: \$1.6 million / \$141,500
Injunctive Relief: None
SEP Description: The Respondent has agreed to execute the thermal destruction of polychlorinated biphenyls (PCBs) in a highly controlled environment. The PCBs are in oil located in environmental justice communities and at not-for-profit entities that might otherwise go untreated.
Quantitative Reduction(s): PCBs, 6,000 lbs.
Environmental Benefit(s): Actual human health, worker, and ecosystem protection. Environmental restoration and improved land use.

EPCRA 304/CERCLA 103

Statute Summary for Fiscal Year 1998

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| Number of cases with SEPs: | 3 |
| Number of SEPs: | 3 |
| Total cost value of SEPs: | \$759,273 |
| Average cost value of SEPs: | \$253,091 |
| Value of penalties in SEP cases: | \$80,760 |
| Number of SEP cases with injunctive relief: | 0 |
| Number of pollution prevention SEPs: | 1 |

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| Case Name: | In re: BORDEN CHEMICAL & PLASTICS |
| Attorney/Program Contacts: | Sean Mulroney / Ruth McNamara |
| Location: | Illioplis, Illinois (Sangamon County) |
| Geographic Initiative(s): | UM |
| Statute Violated: | CERCLA, Section 103/EPCRA, Section 304 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | August 4, 1998 |
| Type of SEP: | Pollution Reduction and Emergency Planning and Preparedness |
| Cost of SEP: | \$725,000 |
| Original/Final Penalty: | \$1,000,000 / \$51,000 |
| Injunctive Relief: | None |
| SEP Description: | The Respondent has agreed to purchase emergency response equipment for the local fire department, and install a tertiary vinyl chloride recovery system. |
| Quantitative Reduction(s): | Hydrochloric acid (HCl), 47% reduction. |
| Environmental Benefit(s): | Actual human health and ecosystem protection. |

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| Case Name: | In re: DOW CHEMICAL CO. |
| Attorney/Program Contacts: | Sean Mulroney / John Entzminger |
| Location: | Midland, Michigan (Midland County) |
| Geographic Initiative(s): | GLB |
| Statute Violated: | EPCRA, Section 304 / CERCLA, Section 103 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | October 17, 1997 |
| Type of SEP: | Emergency Planning and Preparedness |
| Cost of SEP: | \$10,240 |
| Original/Final Penalty: | \$75,000 / \$24,760 |

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| Injunctive Relief: | None |
| SEP Description: | The Respondent agreed to purchase and donate communication equipment for the Local Emergency Planning Committee for use in the county hazard communication vehicle. |
| Quantitative Reduction(s): | None. |
| Environmental Benefit(s): | Potential human health and ecosystem protection. Enhanced communication abilities of the county hazards team. |
| Case Name: | In re: UNION ELECTRIC CO. |
| Attorney/Program Contacts: | Edward Messina / James Entzminger |
| Location: | Venice, Illinois (Madison County) |
| Geographic Initiative(s): | UM, GAT |
| Statute: | EPCRA, Section 304 / CERCLA, Section 103 |
| Type of Order: | Administrative Penalty Order |
| Date of Order: | November 13, 1997 |
| Type of SEP: | Pollution Prevention, Emergency Planning and Preparedness |
| Cost of SEP: | \$24,033 |
| Original/Final Penalty: | \$20,000 / \$5,000 |
| Injunctive Relief: | None |
| SEP Description: | The Respondent agreed to purchase three self-contained breathing apparatuses (SCBAs) and donate them to the Madison County Local Emergency Planning Committee. The Respondent also agreed to purchase and install new air-activated solinoid valves on their chemical storage tanks. |
| Quantitative Reduction(s): | None. |
| Environmental Benefit(s): | Potential ecosystem protection. Emergency responders will be better equipped. |

Multi-Media

Multi-Media Summary for Fiscal Year 1998

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| Number of cases with SEPs: | 3 |
| Number of SEPs: | 5 |
| Total cost value of SEPs: | \$1,898,037 |
| Average cost value of SEPs: | \$379,607 |
| Value of penalties in SEP cases: | \$4,828,942 |
| Number of SEP cases with injunctive relief: | 2 |
| Number of pollution prevention SEPs: | 1 |

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| Case Name: | U.S. v. MARATHON OIL CO. |
| Attorney/Program Contacts: | Mary McAuliffe / Cynthia Curtis |
| Location: | Robinson, Illinois (Crawford County) |
| Geographic Initiative(s): | None |
| Statutes Violated: | CAA, Section 110 RCRA, Section 3008 |
| Type of Order: | Consent Decree |
| Date of Order: | April 2, 1998 |
| Type of SEP: | Pollution Reduction |
| Cost of SEP: | \$382,000 |
| Original/Final Penalty: | \$25,000 per day of violation / \$75,000 |
| Injunctive Relief: | None |
| SEP Description: | The Defendant has agreed to achieve early compliance with a portion of its yet-to-be-proposed refinery, MACT II, by reducing hazardous air pollutants (HAPs), namely chloride emissions, at its Ultraformer Unit. |
| Quantitative Reduction(s): | Chlorine, amount and % reduction unavailable. Particulate matter (PM), amount and % reduction unavailable. |
| Environmental Benefit(s): | Potential human health protection. |

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| Case Name: | In re: NATIONAL STEEL CORP. (2 SEPs) |
| Attorney/Program Contacts: | Timothy Chapman // Spiros Bourgikos (Air), Silvia Palomo (Superfund), Zetta West (RCRA/Hazardous waste), Yves Reme (RCRA/UST), Ken Zolnierczyk (TSCA) |
| Location: | Ecorse, Michigan (Wayne County) |
| Geographic Initiative(s): | GLB, SEMI |

Statutes Violated: CAA, Section 112
CERCLA, Section 103
RCRA, Sections 3002, 3004, 9003
TSCA, Section 6
Type of Order: Administrative Penalty Order
Date of Order: April 17, 1998
Total Cost of SEPs: \$416,037
Original/Final Penalty: \$270,423 / \$53,942
Injunctive Relief: \$160,000 (Industrial Process Change, Storage/Disposal
Change, Recordkeeping, Labeling/Manifesting)

SEP#1

Type of SEP: Pollution Prevention
SEP Description: The Respondent has agreed to remove from service,
properly dispose of, and replace equipment containing
polychlorinated biphenyls (PCBs) having at least 5,300
gallons of PCB-containing fluids with a PCB concentration
of at least 50 ppm.
Quantitative Reduction(s): PCBs (land and water), 5300 gallons (8.7% reduction).
Environmental Benefit(s): Potential human health, worker, and ecosystem protection.

SEP#2

Type of SEP: Emergency Planning and Preparedness
SEP Description: The Respondent has agreed to purchase electronic
infrastructure upgrades that will enhance the emergency
reporting to, and the sharing of information by, emergency
response agencies in and around Wayne County, Michigan.
Quantitative Reduction(s): None.
Environmental Benefit(s): Potential human health protection.
Increased federal, state, and local government knowledge.

Case Name: U.S. v. SHERWIN-WILLIAMS CO. (2 SEPs)
Attorney/Program Contacts: Reginald Pallesen / Walters Francis
Location: Chicago, Illinois (Cook County)
Geographic Initiative(s): UM, GLB, GC
Statutes Violated: CAA, Section 307
CWA, Sections 109 and 110
EPCRA, Section 312
RCRA, Section 3005
Type of Order: Consent Decree
Date of Order: December 1, 1997

Original/Final Penalty: \$25,000 per day per violation / \$4.7 million
Injunctive Relief: \$700,000 (Industrial Process Change, Remediation, Storage/Disposal Change)

SEP #1

Type of SEP: Environmental Restoration and Protection
Cost of SEP: \$950,000
SEP Description: The Defendant agreed to undertake a remediation project in the Victory Heights/West Pullman area of the south side of Chicago. This is a predominantly minority area with a number of active community groups interested in redeveloping their community.
Quantitative Reduction(s): None.
Environmental Benefit(s): Potential human health and ecosystem protection.
Environmental restoration and improved land use.

SEP #2

Type of SEP: Environmental Restoration and Protection
Cost of SEP: \$150,000
SEP Description: The Defendant agreed to undertake a wetlands restoration project in southeast Chicago, near Lake Calumet in an area referred to as the Indian Creek site. The Defendant intends to contract with a local environmental group, "Open Lands," to implement the project. The project will include the cleanup and protection of existing habitat, the development of new habitat, and the maintenance and upkeep of all habitat areas.
Quantitative Reduction(s): None.
Environmental Benefit(s): Potential ecosystem protection.
Environmental restoration and improved land use.